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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,122	08/20/2001	Greg D. Schechter	50037.30USU1	7727
27488	7590	12/21/2004	EXAMINER	
MICROSOFT CORPORATION C/O MERCHANT & GOULD, L.L.C. P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			WU, QING YUAN	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/934,122

Applicant(s)

SCHECHTER ET AL.

Examiner

Qing-Yuan Wu

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/8/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/30/02, 3/17/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-5, 7, 11, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lacks antecedent basis:

- i. The control- claims 4-5, 11, and 18.

- b. The following claim language is indefinite:

- i. As per claim 5, it is uncertain whether “the adaptor set” in line 3 refers to “an adapter set” in claim 1 line 5 (i.e. if they are the same applicant needs to use a consistent term to properly refer to the antecedent).
- ii. As per claim 7, it is uncertain whether this is a computer-readable medium having computer-executable instructions claim or a method claim (i.e. applicant is required to rewrite the claim in the correct independent form).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-10, 13-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christfort et al (hereafter Christfort) (U.S. PG Pub 20020129016A1), in view of Ndili (U.S. PG Pub 20020161928A1).

6. As to claims 1 and 7, Christfort teaches the invention substantially as claimed including computer-implemented method for selecting an adapter to transform information sent from a server object to a device [130, 132, 134, 140, 142, 144, 110, Fig. 1A; 436, 490, Fig. 4], comprising:

determining a capability of the device [pg. 5, paragraph 70, lines 11-13; paragraph 72, lines 6-8;

selecting a particular output segments of a generic output based on the capability of the device [pg. 5, paragraph 70, lines 6-10, 13-15];

7. Christfort does not specifically teach transforming information sent from the device to the server object or an adapter set. However, Christfort disclosed a middleware transformer for

transforming application output into output that is tailored or customized based on the capability of the device [pg. 5, paragraph 70, lines 1-4]. In addition, Ndili teaches converting language of requesting device to language used by network site [Ndili, pg. 9, paragraph 130]; the requesting, locating, matching and retrieving instructions from a database management system/user-defined database based on the capability of a device and a content engine used these instructions for processing and preparing network site data for display on a mobile device [Ndili, pg. 4, paragraphs 56-57; 360, 370, Fig. 3; pg. 5, paragraph 75; pg. 6, paragraphs 87-93].

8. It would have been obvious to one of ordinary skill in the art, to have combined the teaching of Christfort with the teaching of Ndili because both Christfort and Ndili teach improved techniques that allows communication between different devices with different capabilities and service providers [pg. 2, paragraph 21, lines 1-3; Ndili, pg. 1, paragraph 9, lines 1-5].

9. As to claim 2, Christfort as modified does not specifically teach determining the capability of the device includes querying the device. However, Ndili disclosed identifying a communication protocol of the network site by querying the network site [Ndili, pg. 1, paragraph 14; pg. 2, paragraph 27]. It would have been obvious to one of ordinary skill in the art, to recognize that the teaching of Ndili has the capability of querying the device in the case that the content engine cannot determine the device's capability or identify the device based on its request.

10. As to claim 3, Christfort as modified teaches the invention substantially as claimed including wherein determining the capability of the device includes looking up the capability in a database [Ndili, pg. 1, paragraph 11; pg. 2, paragraph 25; 2, 140, 4, 125, Fig. 1; pg. 9, paragraph 127, lines 1-3 and paragraph 128].

11. As to claim 6, Christfort as modified does not specifically teaches retrieving information is performed by double dispatching. However, Christfort disclosed conditional hierarchies of device types, languages/OS each device supports, and models of devices. In addition, it is well known in the art to use multi-dispatching/double dispatching when parallel hierarchies exist.

12. As to claim 8, this is a computer-readable medium having computer-executable instructions claim that corresponds to method claim 1. Therefore, it is rejected for the same reason as method claim 1 above.

13. As to claim 9, Christfort as modified teaches the invention substantially as claimed including wherein the device transmits its capability [pg. 5, paragraph 70, lines 11-13; Ndili, pg. 4, paragraph 66].

14. As to claim 10, this claim is rejected for the same reason as method claim 3 above.

15. As to claims 13 and 19, these claims are rejected for the same reason as method claim 6 above.

16. As to claim 14, Christfort as modified in claim 1 teaches the invention substantially as claimed including transforming data sent from a server to a device and for transforming data sent from the device to the server, comprising:

a device capabilities component that determines capabilities of the device, a receiving component that receives data sent from the device and directs it to an adapter, and a sending component that receives data from an adapter and sends it to the device [Ndili, 911, 912, 950, Fig. 9; pg. 9, paragraph 126, lines 1-4, and paragraph 127];

a device interaction component coupled to the device capabilities component, the receiving component, and the sending component, wherein the device interaction component coordinates communication between the device and an application executing on the server [Ndili, Content Engine 910, Fig. 9].

17. As to claims 15-16, these are system claims that correspond to method claims 2-3. Therefore, they are rejected for the same reason as method claims 2-3 above.

18. As to claim 17, this claim is rejected for the same reason as claim 1 above.

19. As to claim 20, this is a system claim for performing method claim 1, therefore it is rejected for the same reason as claim 1 above.

20. Claims 4-5, 11-12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christfort, in view of Ndili as applied to claim 1 above, further in view of Leamon et al (hereafter Leamon) (U.S. PG Pub 20020107897A1).

21. As to claim 4, this claim is rejected for the same reason as claim 1 above. In addition, Christfort as modified does not teach ancestor adaptors. However, Leamon teaches inheritance feature of an object oriented hierarchy of a rendering engine that allows the rendering engine to be updated to accommodate new browsers and device types without changing any of the existing transformation logic of the engine, thus avoiding the introduction of functional problems when new devices and browsers appear in the data communications market [Leamon, pg. 2, paragraph 18, lines 12-18]. It would have been obvious to one of ordinary skill in the art, to have combined the teaching of Christfort as modified with the teaching of Leamon because the teaching of Leamon further enhance the host server/content engine/adaptor of Christfort as modified for the reason given above by Leamon.

22. As to claim 5, this claim is rejected for the same reason as claim 4 above.

23. As to claims 11-12, these are computer-readable medium having computer-executable instructions claims that correspond to method claims 4-5. Therefore, they are rejected for the same reason as method claims 4-5 above.

24. As to claim 18, this claim is rejected for the same reason as claims 4-5 above.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

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